

WEST VIRGINIA

SECRETARY OF STATE

KEN HECHLER

ADMINISTRATIVE LAW DIVISION

Form #1

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF PUBLIC HEARING ON A PROPOSED RULE

AGENCY: West Virginia Board of Examiners of Psychologists TITLE NUMBER: 30-21

RULE TYPE: Interpretive; CITE AUTHORITY 30-21-6 (a) (3)

AMENDMENT TO AN EXISTING RULE: YES X NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 3

TITLE OF RULE BEING AMENDED: Series 3 Qualifications for Licensure
as a Psychologist

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED:

TITLE OF RULE BEING PROPOSED: 17-3-3 Adequacy of Experience
3.8 School Psychologist and Independent Private Practice

DATE OF PUBLIC HEARING: April 19, 1990 TIME: 7:00 pm

LOCATION OF PUBLIC HEARING: Cannan State Resort
Rt. One Box 330
Davis WV 26260

COMMENTS LIMITED TO: ORAL , WRITTEN , BOTH X

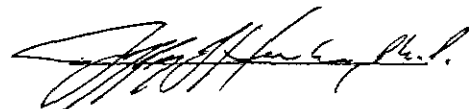
COMMENTS MAY ALSO BE MAILED TO THE FOLLOWING ADDRESS: Dr. Jeffrey Harlow

P.O. Box 3146
Charleston WV 25331

The Department requests that persons wishing to make comments at the hearing make an effort to submit written comments in order to facilitate the review of these comments.

The issues to be heard shall be limited to the proposed rule.

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL



3.8 Licensure exemption for school psychologists in the West Virginia Code pertains to those certified school psychologists who are employees of county Boards of Education, regional educational service agencies, and state department agencies. Section 30, Article 21-2 of the West Virginia Code does not permit certified school psychologists who are not licensed or under supervision of a licensed psychologist to engage in private practice. Such private practice includes the provision of psychological assessment, testing, and other psychological services for schools while functioning as an independent contractor for county Boards of Education, regional educational service agencies, and/or state department agencies. Individuals performing these contractual services are not employees but independent contractors. Independent contractors are defined as individuals who perform work without restriction as to the means to be used, who use their own labor and undertake to do the work according to their own ideas and to whom the receiver of the work looks only for results. Employees, on the other hand, render services to his/her employer and such services remain entirely under the control and direction of the employer.

If certified school psychologists wish to provide contracted psychological services and wish to do so within the guidelines of the licensure law, they must apply for licensure as a psychologist and provide the contractual services (independent practice) under the supervision of a licensed psychologist knowledgeable of school psychology.

Certified school psychologists who are not licensed or under supervision of a licensed psychologist and engage in private practice by performing the above-described individual contractual services shall be prohibited from providing such services by the Board. The Board shall vigorously pursue and correct any individual purposely violating the psychology licensure law.